

(Pub. L. 106–200, title I, §106, May 18, 2000, 114 Stat. 256.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 106–200, May 18, 2000, 114 Stat. 252, which enacted this chapter and sections 2466a and 2466b of this title and amended section 2463 of this title and sections 2193 and 2293 of Title 22, Foreign Relations and Intercourse. For complete classification of title I to the Code, see Short Title note set out under section 3701 of this title and Tables.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to United States Trade Representative by section 1(b) of Ex. Ord. No. 13346, July 8, 2004, 69 F.R. 41905, set out as a note under section 301 of Title 3, The President.

REPORTS ON IMPLEMENTATION AND POTENTIAL TRADE AGREEMENTS

Pub. L. 114–27, title I, §110, June 29, 2015, 129 Stat. 370, provided that:

“(a) IMPLEMENTATION REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act [June 29, 2015], and biennially thereafter, the President shall submit to Congress a report on the trade and investment relationship between the United States and sub-Saharan African countries and on the implementation of this title [see Short Title of 2015 Amendment note set out under section 3701 of this title] and the amendments made by this title.

“(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include the following:

“(A) A description of the status of trade and investment between the United States and sub-Saharan Africa, including information on leading exports to the United States from sub-Saharan African countries.

“(B) Any changes in eligibility of sub-Saharan African countries during the period covered by the report.

“(C) A detailed analysis of whether each such beneficiary sub-Saharan African country is continuing to meet the eligibility requirements set forth in section 104 of the African Growth and Opportunity Act [19 U.S.C. 3703] and the eligibility criteria set forth in section 502 of the Trade Act of 1974 [19 U.S.C. 2462].

“(D) A description of the status of regional integration efforts in sub-Saharan Africa.

“(E) A summary of United States trade capacity building efforts.

“(F) Any other initiatives related to enhancing the trade and investment relationship between the United States and sub-Saharan African countries.

“(b) POTENTIAL TRADE AGREEMENTS REPORT.—Not later than 1 year after the date of the enactment of this Act, and every 5 years thereafter, the United States Trade Representative shall submit to Congress a report that—

“(1) identifies sub-Saharan African countries that have a [sic] expressed an interest in entering into a free trade agreement with the United States;

“(2) evaluates the viability and progress of such sub-Saharan African countries and other sub-Saharan African countries toward entering into a free trade agreement with the United States; and

“(3) describes a plan for negotiating and concluding such agreements, which includes the elements described in subparagraphs (A) through (E) of section 116(b)(2) of the African Growth and Opportunity Act [19 U.S.C. 3723(b)(2)].

“(c) TERMINATION.—The reporting requirements of this section shall cease to have any force or effect after September 30, 2025.”

[Functions of President under section 110(a) of Pub. L. 114–27, set out above, assigned to United States

Trade Representative, in consultation with Secretary of State, see Ex. Ord. No. 13720, §1(d), Feb. 26, 2016, 81 F.R. 11089, set out as a note under section 2466a of this title.]

[For definitions of “beneficiary sub-Saharan African country” and “sub-Saharan African country” as used in section 110 of Pub. L. 114–27, set out above, see section 112 of Pub. L. 114–27, set out as a note under section 3701 of this title.]

§ 3706. Sub-Saharan Africa defined

For purposes of this chapter, the terms “sub-Saharan Africa”, “sub-Saharan African country”, “country in sub-Saharan Africa”, and “countries in sub-Saharan Africa” refer to the following or any successor political entities:

Republic of Angola (Angola).
 Republic of Benin (Benin).
 Republic of Botswana (Botswana).
 Burkina Faso (Burkina).
 Republic of Burundi (Burundi).
 Republic of Cameroon (Cameroon).
 Republic of Cape Verde (Cape Verde).
 Central African Republic.
 Republic of Chad (Chad).
 Federal Islamic Republic of the Comoros (Comoros).
 Democratic Republic of Congo.
 Republic of the Congo (Congo).
 Republic of Côte d’Ivoire (Côte d’Ivoire).
 Republic of Djibouti (Djibouti).
 Republic of Equatorial Guinea (Equatorial Guinea).
 State of Eritrea (Eritrea).
 Ethiopia.
 Gabonese Republic (Gabon).
 Republic of the Gambia (Gambia).
 Republic of Ghana (Ghana).
 Republic of Guinea (Guinea).
 Republic of Guinea-Bissau (Guinea-Bissau).
 Republic of Kenya (Kenya).
 Kingdom of Lesotho (Lesotho).
 Republic of Liberia (Liberia).
 Republic of Madagascar (Madagascar).
 Republic of Malawi (Malawi).
 Republic of Mali (Mali).
 Islamic Republic of Mauritania (Mauritania).
 Republic of Mauritius (Mauritius).
 Republic of Mozambique (Mozambique).
 Republic of Namibia (Namibia).
 Republic of Niger (Niger).
 Federal Republic of Nigeria (Nigeria).
 Republic of Rwanda (Rwanda).
 Democratic Republic of Sao Tomé and Príncipe (Sao Tomé and Príncipe).
 Republic of Senegal (Senegal).
 Republic of Seychelles (Seychelles).
 Republic of Sierra Leone (Sierra Leone).
 Somalia.
 Republic of South Africa (South Africa).
 Republic of South Sudan (South Sudan).
 Republic of Sudan (Sudan).
 Kingdom of Swaziland (Swaziland).
 United Republic of Tanzania (Tanzania).
 Republic of Togo (Togo).
 Republic of Uganda (Uganda).
 Republic of Zambia (Zambia).
 Republic of Zimbabwe (Zimbabwe).

(Pub. L. 106–200, title I, §107, May 18, 2000, 114 Stat. 256; Pub. L. 112–163, §1(b), Aug. 10, 2012, 126 Stat. 1274.)

AMENDMENTS

2012—Pub. L. 112-163 inserted item relating to the Republic of South Sudan.

SUBCHAPTER II—TRADE BENEFITS

§ 3721. Treatment of certain textiles and apparel**(a) Preferential treatment**

Textile and apparel articles described in subsection (b) that are imported directly into the customs territory of the United States from a beneficiary sub-Saharan African country described in section 2466a(c)¹ of this title, shall enter the United States free of duty and free of any quantitative limitations in accordance with the provisions set forth in subsection (b), if the country has satisfied the requirements set forth in section 3722 of this title.

(b) Products covered

Subject to subsection (c), the preferential treatment described in subsection (a) shall apply only to the following textile and apparel products:

(1) Apparel articles assembled in one or more beneficiary sub-Saharan African countries

Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries from fabrics wholly formed and cut, or from components knit-to-shape, in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in the United States) that are—

(A) entered under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States; or

(B) entered under chapter 61 or 62 of the Harmonized Tariff Schedule of the United States, if, after such assembly, the articles would have qualified for entry under subheading 9802.00.80 of the Harmonized Tariff Schedule of the United States but for the fact that the articles were embroidered or subjected to stone-washing, enzyme-washing, acid washing, perma-pressing, oven-baking, bleaching, garment-dyeing, screen printing, or other similar processes.

(2) Other apparel articles assembled in one or more beneficiary sub-Saharan African countries

Apparel articles sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries with thread formed in the United States from fabrics wholly formed in the United States and cut in one or more beneficiary sub-Saharan African countries from yarns wholly formed in the United States, or from components knit-to-shape in the United States from yarns wholly formed in the United States, or both (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed in the United States).

(3) Apparel articles from regional fabric or yarns

Apparel articles wholly assembled in one or more beneficiary sub-Saharan African countries from fabric wholly formed in one or more beneficiary sub-Saharan African countries or yarns originating in the United States or one or more beneficiary sub-Saharan African countries or former beneficiary sub-Saharan African countries, or both (including fabrics not formed from yarns, if such fabrics are classified under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed in one or more beneficiary sub-Saharan African countries), or from components knit-to-shape in one or more beneficiary sub-Saharan African countries from yarns originating in the United States or one or more beneficiary sub-Saharan African countries or former beneficiary sub-Saharan African countries, or both, or apparel articles wholly formed on seamless knitting machines in a beneficiary sub-Saharan African country from yarns originating in the United States or one or more beneficiary sub-Saharan African countries or former beneficiary sub-Saharan African countries, or both, whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2) (unless the apparel articles are made exclusively from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2)), subject to the following:

(A) Limitations on benefits**(i) In general**

Preferential treatment under this paragraph shall be extended in the 1-year period beginning October 1, 2003, and in each of the 21 succeeding 1-year periods, to imports of apparel articles in an amount not to exceed the applicable percentage of the aggregate square meter equivalents of all apparel articles imported into the United States in the preceding 12-month period for which data are available.

(ii) Applicable percentage

For purposes of this subparagraph, the term “applicable percentage” means—

(I) 4.747 percent for the 1-year period beginning October 1, 2003, increased in each of the 5 succeeding 1-year periods by equal increments, so that for the 1-year period beginning October 1, 2007, the applicable percentage does not exceed 7 percent; and

(II) for each succeeding 1-year period until September 30, 2025, not to exceed 7 percent.

(B) Surge mechanism**(i) Import monitoring**

The Secretary of Commerce shall monitor imports of articles described in this paragraph on a monthly basis to determine if there has been a surge in imports of such articles. In order to permit public access to preliminary international trade data

¹ See References in Text note below.